IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 4589 of 2007(U)

PETITIONER:

P.MOIDEENKUTTY, PARAMMEL HOUSE,
P.O. CHATTIPARAMBU, MALAPPURAM.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:
----

1. THE REGIONAL TRANSPORT AUTHORITY,
PALAKKAD, REP. BY ITS SECRETARY.

2. THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, PALAKKAD.

BY GOVERNMENT PLEADER SMT. N.SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 4589/2007

APPENDIX

PETITIONER'S EXHIBITS:

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER VALID TILL 13/08/2006.

EXT.P2. COPY OF THE RENEWAL APPLICATION DT. 28/3/2006.

EXT.P3. COPY OF THE PROCEEDINGS ISSUING TIMINGS TO THE PETITIONER DT. 30/6/99.

EXT.P4. COPY OF THE MEDICAL CERTIFICATE DT. 27/1/2007.

EXT.P5. COPY OF THE REQUEST DT. 31/1/2007.

[True Copy]

tga

K.BALAKRISHNAN NAIR, J.

WP(C).No.4589 of 2007-U

Dated this the 19th day of February, 2007.

JUDGMENT

The petitioner was having a regular permit on the route Shornur-Garudankavu as ordinary service. He applied for renewal of that permit on 28-3-2006, by submitting Ext.P2 application. The time schedule of his service is Ext.P3. Pending renewal application, he was not operating on the route on the strength of temporary permit. It is also submitted that the request of the primary authority, R.T.A., Malappuram made to the sister R.T.A., Palakkad has been rejected. The petitioner has challenged that order before the State Transport Appellate Authority by filing M.V.R.P. 42 of 2007. He submits, the said R.P. is pending. While so, the petitioner apprehends the time schedule allotted to his service in Palakkad area may be allotted to other operators, in view of the non-operation of his service. Since he is not having a permit, he will not be allowed to participate in the timing conference that may be held by the Secretary, R.T.A., Palakkad. Therefore, he submits, he has preferred Ext.P5 representation praying that the vacant timings of his vehicle may not be allotted to other operators. Thereafter, this writ petition is filed praying for a direction to the second respondent to consider and pass orders on Ext.P5.

2. I heard the learned Government Pleader for the respondents also.

3. While considering the grant of time schedules to other services, the second respondent shall take note of the afore-mentioned grievance of the petitioner highlighted in Ext.P5 representation. Needless to say, if any operator is granted time schedule affecting the time schedule of the petitioner's service, he will be free to work out his remedy.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,
MS JUDGE.